GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3403
ANSWERED ON:07.09.2007
MAINTENANCE ALLOWANCE TO MUSLIM WOMEN
Adityanath Yogi Shri

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Hon`ble Supreme Court of India has passed an order to provide maintenance allowance to Muslim women from their husbands under section 125;

(b) if so, the details thereof; and

(c) the steps proposed to be taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY)

(a) Yes, Sir.

(b) The Hon`ble Supreme Court in its judgment dated 05.06.2007 in the matter of [Appeal (crl.)No. 795 of 2001 Iqbal Bano Vs. State of UP & anrs.] has held as follows;

(1) A Muslim husband is liable to make reasonable and fair provision for the future of the divorced wife which obviously includes her maintenance as well. Such a reasonable and fair provision extending beyond the iddat period must be made by the husband within the iddat period in terms of Section 3
(i) of Muslim Woman (Protection of Rights on Divorce) Act, 1986.

(2) Liability of the Muslim husband to his divorced wife arising under Section 3
(i)(a) of the Act to pay maintenance is not confined to the iddat period.

(3) A divorced Muslim woman who is not remarried and who is not able to maintain herself after the iddat period can proceed as provided under Section 4 of the Act against her relative who are liable to maintain her in proportion to the properties which they inherit on her death according to Muslim law for such divorced woman including her children and parents. If any of her relative being unable to pay maintenance, the Magistrate may direct the State Waqf Board established under the Act to pay maintenance.

(4) The provisions of the Act do not offend Article 14,15, and 21 of the Indian Constitution.

(c) Government does not propose to take any steps in this regard since the Hon`ble Supreme Court has not given any directions to the Central Government in the matter.